

***United States Bankruptcy Court  
District of Idaho***

**Chapter 7**

**BANKRUPTCY CASE NUMBER: 03-21652**

04 APR -5 AM 8:51  
CLERK  
IDAHO

**IN RE:  
LINDSEY, GERALD  
LINDSEY, ONA**

**NOTICE OF NEED TO FILE PROOF OF CLAIM  
DUE TO RECOVERY OF ASSETS**

**NOTICE IS GIVEN THAT:**

The initial notice in this case instructed creditors that it was not necessary to file a proof of claim. Since that notice was sent, assets have been recovered by the trustee.

Creditors who wish to share in any distribution of funds must file a proof of claim with the Clerk of the Bankruptcy Court at the address below on or before 90 days from the date this notice is mailed.

**Creditors who do not file a proof of claim on or before this date will not share in any distribution from the debtor's estate.**

The proof of claim form is enclosed with this notice. It may be filed by regular mail. If you wish to receive proof of its receipt by the Bankruptcy Court, enclose a copy of the claim (along with the original), and a stamped, self-addressed envelope.

There is no fee for filing the proof of claim.

**Any creditor who has previously filed a proof of claim in this case need not file another claim.**

**Cameron S. Burke**  
*Clerk of the Bankruptcy Court*

**Address of the Bankruptcy Court:**

U.S. Bankruptcy Court  
205 N. 4th Street 2nd Floor  
Coeur d'Alene, Idaho 83814

DATED: April 2, 2004

## INSTRUCTIONS FOR PROOF OF CLAIM FORM

*The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.*

### DEFINITIONS

#### **Debtor**

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

#### **Creditor**

A creditor is any person, corporation or other entity to whom the debtor owed a debt on the date the bankruptcy case was filed.

#### **Proof of Claim**

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

#### **Secured Claim**

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim.

*(See also Unsecured Claim)*

#### **Unsecured Claim**

If a claim is not secured it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

#### **Unsecured Priority Claim**

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

### ITEMS TO BE COMPLETED IN PROOF OF CLAIM FORM (IF NOT ALREADY FILLED IN)

#### **Court, Name of Debtor and Case Number:**

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, District of Idaho), the name of the debtor in the bankruptcy case and the case number. If you receive a notice of the case from the court, all of this information is near the top of the notice.

#### **Information about Creditor:**

Complete the section giving the name, address and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has previously filed a proof of claim relating to this debt, if you have never received notices from the bankruptcy case about this case, if your address differs from that to which the court sent notice or if this proof of claim replaces or changes a proof of claim previously filed, check the appropriate box on the form.

#### **1. Basis for Claim:**

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

#### **2. Date Debt Incurred:**

Fill in the date when the debt first was owed by the debtor.

#### **3. Court Judgments:**

If you have a court judgment for this debt, state the date the court entered the judgment.

#### **4. Secured Claim:**

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. *(See DEFINITIONS, above)*

#### **5. Unsecured Priority Claim:**

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. *(See DEFINITIONS, above)*. A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

#### **6. Total Amount of Claim at Time Case Filed:**

Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

#### **7. Credits:**

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim, you have given the debtor credit for all payments received from the debtor.

#### **8. Supporting Documents:**

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or if the documents are too lengthy, a summary of those documents. If the documents are not available, you must attach an explanation of why they are not available.

Enterprise Systems Incorporated  
11487 Sunset Hills Road  
Reston, Virginia 20190-5234

**CERTIFICATE OF SERVICE**

District/off: 0976-3  
Case: 03-21652

User: zacharys  
Form ID: #03

Page 1 of 1  
Total Served: 33

Date Rcvd: Mar 31, 2004

The following entities were served by first class mail on Apr 02, 2004.

db Gerald Lindsey, HC01 Box 109B, White Bird, ID 83554  
jdb Ona Lindsey, HC01 Box 109B, White Bird, ID 83554  
aty Barry W McHugh, 1400 Northwood Ctr Ct #C, Coeur d'Alene, ID 83814  
aty Britan D Groom, POB 218, Grangeville, ID 83530  
aty Bruce A Anderson, 1400 Northwood Ctr Ct #C, Coeur d'Alene, ID 83814  
aty Sheila R Schwager, POB 1617, Boise, ID 83701-1617  
aty Warren S Derbridge, POB 32, Boise, ID 83707  
tr J Ford Elsaesser, POB 2220, Sandpoint, ID 83864  
ust United States Trustee, 304 N 8th St Rm 347, Boise, ID 83702  
cr Internal Revenue Service, The, c/o Warren Derbridge, POB 32, Boise, ID 83707  
2271351 David Vial, c/o Sheila R Schwager, Hawley Troxell Ennis & Hawley, POB 1617, Boise ID 83701  
2241524 David Vial and Bruce Comstock, & John Kluksdal, Esq., P.O. Box 2582, Boise, Idaho 83701-2582  
2237595 David Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701  
2241525 Gordon Johnson, P.O. Box 72183, Fairbanks AK 99707  
2258937 Idaho State Tax Commission, Bankruptcy Unit, POB 36, Boise ID 83722  
2241537 Idaho State Tax Commission, POB 36, Boise ID 83722  
2241526 Idaho State Tax Commission, P.O. Box 36, Boise ID 83722-3210  
2259503 Internal Revenue Service, 915 2d Ave Stop W244, Seattle WA 98174  
2241527 Internal Revenue Service, Chief, Special Procedures F, 550 West Fort Street, MSC 04, Boise ID 83724  
2241528 J. Lyn Partridge, 1194W 6400S, Spanish Fork, UT 84660  
2241529 Linda Clark, P.O. Box 291, Kaysville UT 84037  
2241530 Lynn M. Sorenson, 1040N 300W, Spanish Fork, UT 84660  
2241531 MBNA America, P.O. Box 15019, Wilmington, DE 19886  
2237593 Mark Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701  
2237594 Mike Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701  
2241532 Mr. Bernie Gira, 802 Caroline Lane, Southlake TX  
2241533 Noel Tanner, P.O. Box 1389, Nome AK 99762  
2241534 Peter Abt, 1500-521 3 Ave S.W., Calgary AB T2P 3T3  
2275899 Resurgent Capital Svc, POB 10587, Greenville SC 29603-0587  
2271350 Virgil Vial, c/o Sheila R Schwager, Hawley Troxell Ennis & Hawley, POB 1617, Boise ID 83701  
2237592 Virgil Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701  
2241535 Virgil Vial, Mark Vial and Mike, Vial d/b/a AU Mining, & Sheila R. Schwager, Esq., P.O. Box 1617, Boise, Idaho 83701-1617  
2241536 Wally Brooks, 325 Garrison Way, Gulph Mills PA 19428

The following entities were served by electronic transmission.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

Pro se  
cr\* David Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701  
cr\* Mark Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701  
cr\* Mike Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701  
cr\* Virgil Vial, c/o Sheila R Schwager, POB 1617, Boise, ID 83701

TOTALS: 1, \* 4

I, Joseph Spectjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 02, 2004

Signature:

